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**REMARKS**

The above-captioned patent application has been carefully reviewed in light of the non-final Official Action to which this Amendment is responsive. Claim 11 has been amended in order to better clarify and particularly point out that which is regarded as the present invention. In addition, the Title of the invention has also been amended pursuant to the request of the Examiner. It is believed that no new matter has been added to the above-captioned application.

Claims 11-23 are pending in the present application. Claims 11-23 have been rejected under the doctrine of obviousness-type double patenting based upon Claims 1-10 of USSN 09/929,501, now U.S. Patent No. 6,615,666 B1. Claims 11 and 15 have also been rejected based upon certain prior art, particularly U.S. Patent No. 6,213,953. In addition, the Examiner has objected to the Title of the invention.

Applicants' herein wish to point out that the above-captioned patent application is a divisional application of USSN 09/929/501. The filing of this divisional application was required based upon a Restriction Requirement that was filed by the Office with the Notice of Allowance for the '501 application. A copy of this Notice is attached hereto for the Examiner's review. This divisional application was not voluntary and therefore it is believed the obviousness-type double patenting rejection of Claims 11-23 is improper and should be withdrawn. Reconsideration is respectfully requested. In passing, it further is believed from a review of the present Office Action that the Examiner may not have reviewed the Preliminary Amendment that was filed contemporaneously with the above-captioned application on June 27, 2003 canceling Claims 1-10 and amending Claims 11-15 and 21-23. The Examiner is respectfully requested to refer to this paper for a current representation of the claims. The listing of claims in this paper is based upon the listing that was previously presented in the above-noted Preliminary Amendment.

In passing, the Examiner noted that he already revised the status of the application numbers listed in the above-captioned specification to reflect those of the subsequently issued patents. This revision is gratefully acknowledged.

Turning to the prior art rejections, Claims 11 and 15 have been rejected under 35 USC §103(a) as being unpatentable over Reeves (U.S. Patent No. 6,213,953). Applicants' respectfully request reconsideration based on the amended claim and the following discussion.

In order to establish a *prima facie* obviousness rejection under the Statute, each and every claimed limitation must be found in the cited prior art, either singly or in combination. Those features that are not found in the prior art must be notoriously well known to one of sufficient skill in the field of the invention.

Reeves '953 describes a blood pressure measuring device that includes a cuff 112 having an inflatable bladder 116 that is sandwiched between respective inner and outer layers 114 and 118. A pair of air removal lines 120 and 121 extend from the cuff to a device housing 16, as is shown in Fig. 3.

The present invention, on the other hand, relates to a pressure measuring device that includes a blood pressure sleeve having an inflatable bladder and a device housing. The device housing as recited in Claim 11, includes an upper portion and a lower portion wherein the lower portion includes an engagement end that is directly couplable to the blood pressure sleeve. When coupled, the interior of the device housing and the interior of the blood pressure sleeve are directly fluidly interconnected but without the interposition of any hoses or tubing of any kind. The above connection provides significant convenience for the user in that the device is directly engaged with the sleeve, freeing up the hands of the patient and/or the caregiver. The Reeves device, by its very inclusion of air removal lines, is in fact bringing hosing to the cuff, the precise feature that has eliminated by the present invention. Applicants take exception to the comments made by the Examiner that it would be an obvious design variation to interpose Reeves' device with that of Applicants' and that there are devices/art that already provide this feature (direct fluid connection of a device to a blood pressure sleeve). The latter remark is clearly an overreaching assumption on the Examiner's part and if this feature is clearly so well known then Applicants' challenge the Examiner to provide examples to their attention.

It is hoped that these comments amplify the extent of the invention. To that end and to further clarify same, Applicants' have now amended Claim 11 to more clearly specify that the interior of the device housing directly and fluidly interconnects with the interior of the inflatable sleeve in an effort to further clarify the invention. Fig. 9, for example, provides support for this change. Therefore, no new matter has been added. As a result, it is believed Claim 11 is patentably distinct of the cited prior art. Claim 15 is believed to be allowable for the same reasons, since this claim depends on Claim 11. Reconsideration is therefore respectfully requested.

Finally, Applicants have amended the Title to more clearly relate the invention more closely to that of the claimed subject matter. Withdrawal of this objection is respectfully requested.

In summary, it is believed the above-captioned patent application is now in an allowable condition and such allowance is earnestly solicited.

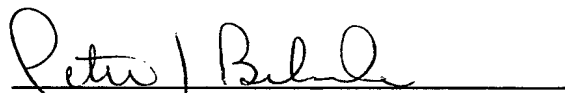
If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicants' representative at the telephone number below.

The Director is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

**WALL MARJAMA & BILINSKI LLP**

By:



Peter J. Bilinski  
Reg. No. 35,067

PJB/sca  
Telephone: (315) 425-9000

Customer No.: 20874



## UNITED STATES PATENT AND TRADEMARK OFFICE

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## NOTICE OF ALLOWANCE AND FEE(S) DUE

04/07/2003

PJB/sca  
Suite 400  
101 South Salina Street  
Syracuse, NY 13202

APR 16 2003

EXAMINER

ALLEN, ANDRE J

ART UNIT

CLASS-SUBCLASS

2855

073-715000

DATE MAILED: 04/07/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,501	08/14/2001	Raymond A. Lia	281_335.01	1370

TITLE OF INVENTION: PRESSURE MEASURING DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$0	\$1300	07/07/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,501	08/14/2001	Raymond A. Lia	281_335.01	1370
			EXAMINER	
			ALLEN, ANDRE J	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 04/07/2003

PJB/sca  
Suite 400  
101 South Salina Street  
Syracuse, NY 13202

7590 04/07/2003

**O I P E**  
**APR 29 2004**  
**PATENT & TRADEMARK OFFICE**

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The patent term adjustment to date is 0 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 0 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.



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09/929,501	08/14/2001	Raymond A. Lia	281_335.01	1370
			EXAMINER	
			ALLEN, ANDRE J	
			ART UNIT	PAPER NUMBER
			2855	

PJB/sca  
Suite 400  
101 South Salina Street  
Syracuse, NY 13202  
UNITED STATES

7590

04/07/2003

APR 29 2004

DATE MAILED: 04/07/2003

## Notice of Fee Increase on January 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after January 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on January 1, 2003. See Revision of Patent and Trademark Fees for Fiscal Year 2003: Final Rule, 67 Fed. Reg. 70847, 70849 (November 27, 2002).

The current fee schedule is accessible from: <http://www.uspto.gov/main/howtofees.htm>.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of the fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after January 1, 2003 (or mailed with a certificate of mailing on or after January 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



# Notice of Allowability

Application No.

09/929,501

Examiner

Andre J. Allen

Applicant(s)

LIA ET AL.

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amndt filed 1-29-03.

2. ☒ The allowed claim(s) is/are 1-23.

3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a) ☐ The translation of the foreign language provisional application has been received.

6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☒ CORRECTED DRAWINGS must be submitted.

(a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☒ to Paper No. 10.

(b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1 ☐ Notice of References Cited (PTO-892)

3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5 ☐ Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_.

7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☐ Interview Summary (PTO-413), Paper No. \_\_\_\_\_.

6 ☐ Examiner's Amendment/Comment

8 ☒ Examiner's Statement of Reasons for Allowance

9 ☐ Other



## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-10, drawn to a pressure measuring device, classified in class 73, subclass 715.
  - II. Claims 11-23, drawn to a pressure measuring device, classified in class 600, subclass 490. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions I and II are capable of different functions. Group I is a pressure measurement device that can be assembled as a semi-conductor and/or a pressure sensor. Group II is a pressure measurement device comprising a housing and a blood pressure sleeve, which would clearly suggest a blood pressure measurement device.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 2855

During a telephone conversation with Peter Bilinski on 4-3-03 a provisional election was made without traverse to prosecute the invention of group I, claims 1-10. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-23 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Bilinski on 4-3-03.

The application has been amended as follows:

- I. Please cancel claims 11-23

*Allowable Subject Matter*

Application/Control Number: 09/929,501  
Art Unit: 2855

3. Claims 1-10 is allowed.

The following is an examiner's statement of reasons for allowance: The cited prior art does not disclose nor suggest a pressure measurement device comprising shock absorbing means associated with the exterior of a housing for creating a non-continuous path for preventing impinging shock and input loads from reaching components disposed within the housing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre J. Allen whose telephone number is 703-3081989. The examiner can normally be reached on mon-fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 703-305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3432 for regular communications and 703-308-3432 for After Final communications.

Art Unit: 2855

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

A.J.A  
April 3, 2003



EDWARD LEFKOWITZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800